FEDERAL REGISTER

VOLUME 5 NUMBER 75

Washington, Wednesday, April 17, 1940

The President

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER OF JUNE 8, 1866, WITHDRAWING PUBLIC LAND

OREGON

By virtue of the authority vested in me as President of the United States, the Executive order of June 8, 1866, reserving lands for lighthouse purposes, is hereby revoked as to the following-described land:

WILLAMETTE MERIDIAN

T. 5 N., R. 11 W., sec. 1, lot 2, containing 45.64 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 13, 1940.

[No. 8394]

[F. R. Doc. 40-1527; Filed, April 15, 1940; 2:20 p. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3525]

IN THE MATTER OF FAIRBANKS TAILORING COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (y5) *Advertising falsely or misleadingly—Sample or order conformance:* § 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.69 (b) 15.5 *Misrepresenting oneself and goods—Goods—Sample or order conformance:* § 3.72 (m10) *Offering deceptive inducements to purchase—Sample or order conformance.* Using, in connection with offer, etc., in commerce, of suits and overcoats for men and for women, the words "all wool," "all worsted", or any other words indicating a fabric composed of wool in its entirety, to designate, describe or refer to fabrics, the fiber content of which is not composed wholly of wool, prohibited; subject to the provision, however, that such words may be used to describe a fabric composed essentially of wool but containing a small percentage of material or materials for decorative purposes only, such as silk or rayon, when there is used in connection or conjunction with the words indicating an all wool fabric, in letters of equal size and conspicuousness, words, such as "rayon decoration" or "rayon stripe", truthfully designating and describing the decorative material or materials used. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Fairbanks Tailoring Company, Docket 3525, March 27, 1940]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* Using, in connection with offer, etc., in commerce, of suits and overcoats for men and for women, the word "free" or any other word or words of similar import or meaning, to designate, describe or refer to garments delivered to representatives or agents of the respondent as compensation for services performed in connection with the sale and distribution of respondent's products, or representing that inexperienced representatives or agents engaged in the solicitation of orders for respondent's garments can make up to $10.00 a day without canvassing, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Fairbanks

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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Tailoring Company, Docket 3525, March 27, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 27th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before William C. Reeves and Arthur F. Thomas, examiners of the Commission, theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein, no request for oral argument having been made, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Fairbanks Tailoring Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of suits and overcoats for men, and suits and coats for women, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "all wool", "all worsted", or any other words indicating a fabric composed of wool in its entirety, to designate, describe or refer to fabrics, the fiber content of which is not composed wholly of wool; *Provided, however,* That such words may be used to describe a fabric composed essentially of wool but containing a small percentage of material or materials for decorative purposes only, such as silk or rayon, when there is used in connection or conjunction with the words indicating an all wool fabric in letters of equal size and conspicuousness, words, such as "rayon decoration" or "rayon stripe", truthfully designating and describing the decorative material or materials used;

(2) Using the word "free" or any other word or words of similar import or meaning to designate, describe or refer to garments delivered to representatives or agents of the respondent as compensation for services performed in connection with the sale and distribution of respondent's products;

(3) Representing that inexperienced representatives or agents engaged in the solicitation of orders for respondent's garments can make up to $10.00 a day without canvassing.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 40-1531; Filed, April 16, 1940; 9:53 a. m.]

[1] 3 F.R. 2317.

[Docket No. 3626]

IN THE MATTER OF J. W. MARROW MANUFACTURING COMPANY

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of respondent's various cosmetic preparations, known as "Marrow's Message Cream", "Marrow's Tissue Cream", "Marrow Acne Cream", "Marrow's Muscle Oil", "Mar-O-Oil Shampoo" and "Trimal", or any other similar cosmetic preparations, that respondent's products, or any of them, will nourish the skin, or prevent, remove or correct lines, or wrinkles, or, in said connection, falsely representing the extent to which (1) those who professionally treat the hair or skin have adopted and use respondent's preparations, or (2) scientists or other experts, who supervise and direct makeup in moving picture studios, recommend or specify the use of respondent's cosmetics, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. W. Marrow Manufacturing Company, Docket 3626, March 27, 1940]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's various cosmetic preparations, known as "Marrow's Massage Cream", "Marrow's Tissue Cream", "Marrow Acne Cream", "Marrow's Muscle Oil", "Mar-O-Oil Shampoo" and "Trimal", or any other similar cosmetic preparations, that respondent's preparation "Marrow Acne Cream", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, will correct or remove blemishes, pimples, or enlarged pores, or that said preparation has antiseptic properties, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52, Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. W. Marrow Manufacturing Company, Docket 3626, March 27, 1940]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's various cosmetic preparations, known as "Marrow's Massage Cream", "Marrow's Tissue Cream", "Marrow Acne Cream", "Marrow's Muscle Oil", "Mar-O-Oil Shampoo" and "Trimal", or any other similar cosmetic preparations, that respondent's preparation "Mar-O-Oil", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, will revitalize dead hair or correct the cause of excessive oiliness of the hair, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. W. Marrow Manufacturing Company, Docket 3626, March 27, 1940]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's various cosmetic preparations, known as "Marrow's Massage Cream", "Marrow's Tissue Cream", "Marrow Acne Cream", "Marrow's Muscle Oil", "Mar-O-Oil Shampoo" and "Trimal", or any other similar cosmetic preparations, that respondent's preparation "Trimal", or any other similar product, contains oil

or has any effect upon live cuticle or upon the growth of finger nails, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. W. Marrow Manufacturing Company, Docket 3626, March 27, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before A. F. Thomas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein and oral arguments by R. A. McOuat, counsel for the Commission, and by Carleton M. Tower, attorney for respondent, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent J. W. Marrow Manufacturing Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its various cosmetic preparations, known as "Marrow's Massage Cream", "Marrow's Tissue Cream", "Marrow Acne Cream", "Marrow's Muscle Oil", "Mar-O-Oil Shampoo" and "Trimal", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names, or under any other name or names, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from—

(1) Representing that respondent's preparations, or any of them, will nourish the skin, or prevent, remove or correct lines, or wrinkles;

(2) Representing that respondent's preparation, "Marrow Acne Cream", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, will correct or remove blemishes, pimples or enlarged pores, or that said preparation has antiseptic properties;

(3) Representing that respondent's preparation "Mar-O-Oil", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, will revitalize dead hair or correct the cause of excessive oiliness of the hair;

(4) Representing that respondent's preparation "Trimal", or any other preparation composed of substantially similar ingredients or possessing substantially similar properties, contains oil or has any effect upon live cuticle or upon the growth of finger nails.

(5) Falsely representing the extent to which those who professionaly treat the hair or skin have adopted and use respondent's preparations;

(6) Falsely representing the extent to which scientists or other experts, who supervise and direct makeup in moving picture studios, recommend or specify the use of respondent's cosmetics.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 40-1532; Filed, April 16, 1940; 9:53 a. m.]

[Docket No. 3347]

IN THE MATTER OF JOHN F. JELKE COMPANY, INC.

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation.* Using, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's Good Luck Oleomargarine, the words "churn", "churned", "sunlit churnery", or any derivative of the word "churn", or the picture of an old-fashioned dasher churn, or any word or words or picturization importing or implying that its product has been churned in the manner and through the process by which butter is made from milk or cream, in designating, describing or referring to its said product or the process by which it is made, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John F. Jelke Company, Inc., Docket 3347, April 3, 1940]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Using, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's Good Luck Oleomargarine, the terms "fresh pasteurized milk" or "pasteurized milk", or any other terms or words signifying milk, which do not clearly reveal that the milk referred to is not whole milk, to designate, describe or refer to milk used by the respondent in the process of manufacturing its said product when the milk so used is other than whole milk from which no part of the cream or butter-fat content has been removed, or using, in said connection, word "milk" to designate, describe, or refer to that part of milk remaining after any part of the cream or butter fat has been removed, unless the word "milk" is qualified by a word or words which clearly reveal that the "milk" referred to is not whole milk but "skim" or "skimmed" milk; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John F. Jelke Company, Inc., Docket 3347, April 3, 1940]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data:* § 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.48 (b) (1.7) *Disparaging competitors and their products—Goods—Composition:* § 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties.* Representing, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's Good Luck Oleomargarine, that said product contains 43.8 per cent or any other percentage more "milk solids" than butter or than other spreads for bread; that said product contains any appreciable quantity of "milk solids"; that the food value of said product is attributable to the "milk solid" content thereof; or that the "milk solid" content of said product gives it more food value than butter; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John F. Jelke Company, Inc., Docket 3347, April 3, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 3rd day of April, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John L. Hornor, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed

[1] 4 F.R. 188.

[1] 3 F.R. 2134.

herein, and oral arguments by John M. Russell, counsel for the Commission, and by Carol J. Lord, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, John F. Jelke Company, Inc., its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of its oleomargarine product, now sold and distributed under the trade name Good Luck Oleomargarine, whether sold under that trade name or any other trade name, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Using the words "churn", "churned", "sunlit churnery", or any derivative of the word "churn", or the picture of an old-fashioned dasher churn, or any word or words or picturization importing or implying that its product has been churned in the manner and through the process by which butter is made from milk or cream, in designating, describing or referring to its said product or the process by which it is made;

(2) Using the terms "fresh pasteurized milk" or "pasteurized milk", or any other terms or words signifying milk which do not clearly reveal that the milk referred to is not whole milk, to designate, describe, or refer to milk used by the respondent in the process of manufacturing its said product when the milk so used is other than whole milk from which no part of the cream or butter-fat content has been removed;

(3) Using the word "milk" to designate, describe, or refer to that part of milk remaining after any part of the cream or butter fat has been removed, unless the word "milk" is qualified by a word or words which clearly reveal that the "milk" referred to is not whole milk but "skim" or "skimmed" milk;

(4) Representing that said product contains 43.8% or any other percentage more "milk solids" than butter or than other spreads for bread; that said product contains any appreciable quantity of "milk solids"; that the food value of said product is attributable to the "milk solid" content thereof; or that the "milk solid" content of said product gives it more food value than butter.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40–1530; Filed, April 16, 1940; 9:53 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50130]

AMENDMENTS TO THE CUSTOMS REGULATIONS OF 1937

To Collectors of Customs and Others Concerned:

The Customs Regulations of 1937 are hereby amended as follows:[1]

Article 264[2] (§ 5.5) is amended by adding a new paragraph designated (e), reading as follows:

(e) (§ 5.5 (b)) Customs inspection stamps are not required for shipments of tobacco products from the Philippine Islands. (R.S. 251, sec. 624, 46 Stat. 759, 19 U.S.C. 66, 1624)

Paragraph (f) of article 298, added by T.D. 49658 (§ 6.15 (c)), is amended by adding a comma after the words "forms of entry," in subparagraph (1), and by substituting the word "or" for the word "and" at the end of subparagraph (6). (Sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1083, 19 U.S.C. 1484 and Sup. IV)

Paragraph (d) (3) of article 464 (§ 8.62 (b) (3)), as amended by T.D. 49658,[3] is further amended to read as follows:

(3) (§ 8.62 (b) (3)) Proceeding in ballast to another domestic port to lade passengers or cargo for a foreign port, and its last carriage of passengers or cargo prior to departure from the port of withdrawal was in the foreign trade; or (Sec. 5 (a), 52 Stat. 1080, 19 U.S.C., Sup. IV, 1309 (a))

C.D. 199 should be noted as a marginal reference opposite article 464 (d) (3), as amended.

Paragraph (a) of article 742[4] (§ 11.37) is amended by deleting the last three sentences and substituting the following:

Before granting a retest the appraiser shall require the importer to furnish the settlement tests of the sugar in question together with any information the appraiser may deem desirable relating to the samples and polarizations used in the settlement tests. In no instance shall a retest be granted when the difference between the appraiser's average test and the settlement test is less than 0.4° S. Samples for retest shall be made up from the reserve sample and shall be treated in all respects as provided for the original tests. Before he reports to the collector on any invoice covering sugar with respect to which a request for retest has been made, the appraiser shall make final disposition of such request. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved, April 12, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40–1533; Filed, April 16, 1940; 11:46 a. m.]

[1] This document affects 19 CFR 5.5, 6.15, 8.62, and 11.37.
[2] 2 F.R. 1509.
[3] 3 F.R. 1808.
[4] 2 F.R. 1601.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1468]

REGULATIONS GOVERNING RENTALS AMENDED

Paragraph 15 of Circular 1386,[1] approved May 7, 1936 (55 I.D. 520; § 192.52, Code of Federal Regulations), is hereby amended to read as follows:

§ 192.52 *Rentals.* A lessee shall pay an annual rental of 50 cents per acre or fraction thereof for the first year of the lease, and shall pay an annual rental of 25 cents per acre or fraction thereof for the second and each succeeding lease year until oil or gas in commercial quantities is discovered. Thereafter, beginning with the first lease year succeeding discovery, the annual rental shall be $1 per acre or fraction thereof, any rental paid for any one year to be credited against the royalties as they accrue for that year. In all instances the rental shall be paid in advance, the first payment being due prior to the execution and delivery of the lease, except that where a lease is granted in exchange for an existing permit no rental is required for the first two lease years unless valuable deposits of oil or gas are sooner discovered within the boundaries of the lease. While the term of a lease runs from the date thereof, the rental shall be due and payable each year on the first day of the month in which the lease was dated. However, with respect to exchange leases dated December 31, 1938, after the two-year free rental period, the due date for the payment of annual rental shall be January 1 of each year.*

These regulations shall be applicable to all leases heretofore or hereafter issued under the provisions of the act of August 21, 1935 (49 Stat. 674).

FRED W. JOHNSON,
Commissioner.

Approved, April 3, 1940.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40–1528; Filed, April 16, 1940; 9:12 a. m.]

[1] 1 F.R. 373.
*Issued under the authority contained in sec. 32, 41 Stat. 450; 30 U.S.C. 189.

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T.D. 50134]

CONVERSION RATE FOR CUSTOMS PURPOSES OF CANADIAN DOLLAR, NEWFOUNDLAND DOLLAR, ENGLISH POUND AND AUSTRALIAN POUND

APRIL 15, 1940.

To Collectors of Customs and Others Concerned:

Reference is made to the daily buying rates for foreign exchange which section 522 (c) of the Tariff Act of 1930 (U.S.C. title 31, sec. 372 (c)) directs the Federal Reserve Bank of New York to certify to the Secretary of the Treasury. The list of rates certified by the Federal Reserve Bank of New York has included two rates for the Canadian dollar and the Newfoundland dollar since March 22, 1940, two rates for the English pound since March 25, 1940, and two rates for the Australian pound since April 1, 1940. In each case the higher rate has been designated "official," the other "free."

Whenever it is necessary to convert any of the above-mentioned currencies into currency of the United States for the purpose of the assessment and collection of duties upon imported merchandise, customs officers shall make such conversions on the basis of the rate designated "official," unless the rate proclaimed for the respective currency pursuant to section 522 (a) of the Tariff Act of 1930 (U.S.C. title 31, sec 372 (a)) varies from such "official" rate by less than 5 per centum. In the latter event the proclaimed rate should be used.

Until further notice only the "official" rates for the named currencies will appear in the weekly issues and bound volumes of the Treasury Decisions. The pertinent facts and circumstances will be kept under review and, should future developments make it advisable, further instructions will be given.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 40–1534; Filed, April 16, 1940; 11:46 a. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 258, OREGON NO. 39

APRIL 4, 1940.

It appearing that the following-described public lands in Oregon are necessary for the purpose, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights and to the provisions of an existing withdrawal for reclamation purposes affecting a portion of the land:

Willamette Meridian

T. 39 S., R. 11 E.,
sec. 19, SE¼ SE¼,
sec. 31, lots 1, 2, and 3;
aggregating 160.84 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40–1529; Filed, April 16, 1940; 9:12 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 26]

REGULATIONS TO PROMOTE SAFETY OF LIFE DURING THE INTERCOLLEGIATE REGATTA AT POUGHKEEPSIE, NEW YORK, ON JUNE 18, 1940

APRIL 15, 1940.

The following regulations are hereby prescribed under authority of the Act of April 28, 1908 (35 Stat. 69):

On the day of the regatta all visiting yachts and excursion boats will be given positions to the eastward of the established easterly line of the course in the order of arrival and application. Small yachts and boats will be given positions in front of the larger craft. No vessels will be allowed to anchor to the westward of the course or within 100 yards up stream or down stream from the finish line on either side of course.

All visiting vessels must be anchored in their assigned positions one hour before the start of the first race, and thereafter until the finish of the last race of the day no vessel will be allowed on the course excepting the steward's boat, the launches of the competing crews, and other official boats.

No vessel shall pass up or down the river during the progress of the races. A succession of sharp, short whistles from the United States vessel patrolling the course shall serve as a signal for vessels to stop. Pilots of vessels shall stop when directed to do so by the United States officer in charge.

No vessel will be allowed to make fast to the judges' boat at the finish line, excepting boats carrying telephone or telegraph cables and the steward's dispatch boat.

Prior to the alignment of the crews on the starting line, all vessels entitled to follow excepting the steward's boat shall take their places to the eastward of the course and shall not be permitted to run ahead of the steward's boat or any crew continuing in the race.

No vessel or boat of any description shall pass over the course until fifteen minutes after the conclusion of the last race, and then with due regard for the safety of competing crews returning to their training quarters over the course.

The above regulations will be enforced subject to the discretion of the United States officer in charge.

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 40–1526; Filed, April 15, 1940; 12:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, A. D. 1940.

[File No. 46–202]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY

ORDER APPROVING AMENDED APPLICATION

The United Light and Power Company, a registered holding company, having filed an amended application pursuant to Rule U–12C–1 promulgated under the Public Utility Holding Company Act of 1935 for the approval of the acquisition, by the expenditure of a sum not to exceed $505,175.37, of its own outstanding debentures; a public hearing having been duly held after appropriate notice; the Commission having examined the record in this matter;

It is ordered, That said amended application of The United Light and Power Company be and the same hereby is approved, subject to the following conditions:

(1) That the acquisition of debentures and all matters connected therewith or related thereto shall be carried out in all respects as set forth in and for the purposes represented by the amended application;

(2) That the applicant report to this Commission on the first and fifteenth day of each month following the date of our Order all acquisitions of debentures under this program. Such report shall specify the amount thereof, the cost per unit, the amount of commission and any other fees paid in connection with such acquisitions, name and address of each broker or over-the-counter dealer, the total price for each purchase, the name and address of the vendor at any private sale, and where possible the name and address

of the beneficial owner of any debenture offered by such vendor;

(3) That all debentures purchased at private sale shall be paid for at a price (including fees if any) not to exceed the price (excluding brokerage fees) at which such debenture was last sold on any national securities exchange to which sale neither the applicant nor the prospective seller nor any person acting in behalf of either was a party;

(4) That the expenditures pursuant to this amended application be made within the current calendar year.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1535; Filed, April 16, 1940; 12:01 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April 1940.

[File No. 1-2079]

IN THE MATTER OF CENTRAL OF GEORGIA RAILWAY COMPANY MACON & NORTHERN DIVISION FIRST MORTGAGE 5% BONDS DUE JAN. 1, 1946 AND MIDDLE GEORGIA & ATLANTIC DIVISION PURCHASE MONEY 5% BONDS DUE JAN. 1, 1947

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Macon & Northern Division First Mortgage 5% Bonds due Jan. 1, 1946 and Middle Georgia & Atlantic Division Purchase Money 5% Bonds due Jan. 1, 1947 of Central of Georgia Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, May 15, 1940, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, supoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1536; Filed, April 16, 1940; 12:01 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1940.

[File No. 20-675A1]

IN THE MATTER OF AN OFFERING SHEET FILED BY FRASER RIVER GAS & OIL SYNDICATE, RESPONDENT, ON MARCH 22, 1940, COVERING NONPRODUCING PARTICIPATING INTERESTS IN THE FRASER-BARLEY LEASE

ORDER CONSENTING TO WITDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered, That consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered, That the Temporary Suspension Order, Order for Hearing, and Order Designating Trial Examiner heretofore entered in this proceeding be, and hereby are revoked, and said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1537; Filed, April 16, 1940; 12:01 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April 1940.

[File No. 1-2525]

IN THE MATTER OF GOVERNMENT OF THE UNITED STATES OF MEXICO REPUBLIC OF MEXICO 4% GOLD DEBT OF 1904, DUE DEC. 1, 1954 (UNASSENTED), AND INSTITUTION FOR ENCOURAGEMENT OF IRRIGATION WORKS & DEVELOPMENT OF AGRICULTURE, S. A. THIRTY-FIVE YR. 4½% SINKING FUND GOLD BONDS DUE NOV. 1, 1943 (UNASSENTED)

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Republic of Mexico 4% Gold Debt of 1904, Due Dec. 1, 1954 (Unassented), and Institution for Encouragement of Irrigation Works & Development of Agriculture, S. A. Thirty-Five Yr. 4% Sinking Fund Gold Bonds due Nov. 1, 1943 (Unassented) of Government of the United States of Mexico; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Thursday, May 16, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1538; Filed, April 16, 1940; 12:01 p. m.]